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File No. Pleaders II/49 (M)

P I F

Legal Deptt.

B **BRANCH**

Subject:—

Notifications under the Bombay Pleaders Act 1920

File No. Pleaders II/49(M) 316-B

Gen. 196

Office of the R.L.A.

All these resolution are inspired by the fear born out of our recent enactments whereby we have prevented lawyers from appearing in certain proceedings (e.g., under the Bombay Agricultural Debtors' Relief Act) and whereby proceedings which would have ordinarily been heard in a court are transferred to officers like Mamlatdars or Collectors who do not encourage lawyers. Before we consider the necessity of the amendment, we must be clear about the policy which we propose to adopt in respect of legal practitioners. Do we intend to give them an unrestricted right of practising in all courts, tribunals and before all public officers, Or is these their practice to be restricted only to such courts and matters where their assistance is really needed in the larger interests of justice? If the latter be our policy, there is no necessity for making any amendment; for the present law would allow us wide discretion to permit practice to pleaders wherever we think it necessary to do so. In fact, that has now been done in the Bombay Agricultural Debtors' Relief Act also. The amendment proposed by the various Associations should confer on pleaders an inalienable right of practising before anybody, be that a court or an officer. That, in my opinion, would be going too far. Moreover, the amendment will not help the profession as they imagine; for the power of the Legislature to override the effect of the amendment cannot possibly be impaired. The amendment will only create the difficulty that every time we decide to debar pleaders, we will have to insert a non obstante clause and thus reopen the question for discussion. For these reasons my own inclination is against the amendment.

Sd/-
16-2-49

Parliamentary Secretary of Legal Affair.

H.M. (Law) Sd/- D.H.D. 3-2-49
H.M.(H.D.) Sd/- H.R.D. 3-2-49

M.R.D. 2-6-49 C.4

U.R. to H.D. No. 2625 dated 7th March 1949.

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K.S.R. 816.